

**IMPROVING THE JUVENILE JUSTICE SYSTEM'S RESPONSE  
TO  
VICTIMS OF JUVENILE OFFENDERS**

**Presented by  
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***on behalf of the***

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***AUGUST 16, 2002***

## **Introduction**

As the juvenile justice system commemorates its centennial anniversary in the United States, it is undergoing significant scrutiny and profound changes. Skyrocketing juvenile crime rates between the mid-1980s and the mid-1990s, combined with numerous high-profile mass murders and mayhem committed at the hands of youth, have resulted in public clamor for tougher responses to serious juvenile offenders. The emergence of “restorative justice” or “responsible justice” in the 1990s has contributed to the implementation of juvenile offender programming that incorporates offender accountability, comprehensive victim services, and community safety as core tenets. Perhaps most significantly, the victims’ rights discipline as a whole has paid increasing attention to improving victims’ rights and services within the juvenile justice system, including juvenile corrections.

The original premise of the juvenile justice system was based upon “the best interest of the child,” and a strong belief that children are different from adults and, as a result, should be treated differently from their older criminal counterparts. Yet in the 21<sup>st</sup> century, there is a strong, collective realization that “the best interest of the child” means:

- To be held accountable to his/her victim, family and community.
- To ensure that his/her victim receives supportive services, defines the harm that was caused by the youthful offender, and is allowed to actively participate in juvenile justice processes.
- Focusing national resources on early intervention and prevention programs that avert at-risk youth from ever offending in the first place.

## **The Historical Relationship Between Victims and Juvenile Justice**

Traditionally, victims of juvenile offenders have had a tenuous relationship with the juvenile justice system. One victim describes her perspective as being “on the outside looking in” (at juvenile corrections). Juvenile justice was seldom viewed as either an open or friendly process to most victims.

In response to this perspective, many victims and those who serve them operated throughout the early 1990s in a reactive mode. Victims of juvenile offenders were often the key supporters of legislative initiatives to end the perceived “cloak of secrecy” surrounding juvenile justice. They began to collectively demand participatory rights in a system that had, for nearly a century, excluded their involvement.

The “power of the personal story” was an effective weapon in the struggle among

victims of juvenile offenders to achieve access to juvenile corrections and, ultimately, justice. Personal testimonials of victims who were not notified of their offender's status, did not receive restitution, were never given a "voice" in the juvenile justice process, and felt that their personal protection was not a priority, framed victims' key concerns in a manner that clearly pointed out the inadequacies of juvenile corrections relevant to victims' rights and services. Victims' trauma, pain and suffering provided the initial foundation for many juvenile justice reforms.

Today in many jurisdictions, this antagonistic relationship has evolved into one of *collaboration*. Many juvenile justice agencies have concluded that quality victim rights and services are, indeed, in the best interest of the juvenile offender. Stronger victims' rights laws promulgated by victims of juvenile offenders who felt excluded from juvenile justice processes in their cases have paved the way for increased and more meaningful victim participation. Furthermore, agency policies and staffing have strengthened the role of victims not only as *clients* of juvenile corrections, but as *stakeholders* with a vested interest in the outcomes of juvenile justice. This significant change is reflected in victims' roles as members of agency Victim Advisory Councils, and as participants in victim/offender programs such as "Impact of Crime on Victims" classes.

### **Landmark Events: An Historical Perspective**

A number of key activities have contributed to the growth and development of juvenile justice-based victim services in the past 15 years:

- **1985:** The California Youth Authority (CYA) implements the nation's first "Impact of Crime on Victims" program for youthful offenders.
- **1986:** The American Correctional Association (ACA) publishes a broad policy statement that said victims should be treated with dignity and respect by correctional agencies, and should be notified of the status of their offenders.
- **1987:** The ACA appoints a Victims Task Force that developed 15 recommendations relevant to implementing victim services in adult and juvenile corrections and paroling agencies.
- **1991:** A national survey of adult and juvenile correctional agencies and paroling authorities identifies the scope of corrections-based victim services.
- **1991-1994:** Eight states and the military receive intensive training on adult and juvenile corrections-based victim services, with technical assistance for program implementation provided to an additional 15 states.
- **1992:** The first juvenile corrections-based victim services program is initiated by

the California Youth Authority.

- **1992:** OJJDP funds the Balanced and Restorative Justice (BARJ) project sponsored by the Florida Atlantic University.
- **1995:** The ACA Victims Committee issues the landmark *Report and Recommendations on Victims of Juvenile Offenders* (described in the next section).
- **1996:** The *National Survey of Adult and Juvenile Correctional Agencies and Paroling Authorities* -- originally conducted in 1990 -- is updated and offers data on trends in the implementation of adult and juvenile corrections-based victim services over a five-year period.
- **1996:** ACA establishes a Restorative Justice Committee that includes victim advocates and juvenile justice professionals.
- **1997:** OVC sponsors a training-for-trainers on "Responding to Workplace Violence in Correctional Settings."
- **1997:** The National Council of Juvenile and Family Court Judges, with support from OVC, sponsors a project to improve the juvenile court's response to victims of crime, which incorporates a collaborative approach that includes juvenile corrections.
- **1997:** A series of focus groups that included victims of juvenile offenders, sponsored by the Balanced and Restorative Justice (BARJ) project with support from OVC, offers insights into victims' opinions and perspectives of the juvenile justice system.
- **1998:** The Council of Juvenile Corrections Administrators forms an ad hoc committee to develop a policy statement on victims issues in juvenile corrections.
- **1998-:** The BARJ Project of Florida Atlantic University provides ongoing training, technical assistance, and transfer-of-knowledge initiatives that help juvenile justice agencies develop collaborative approaches to restorative justice.
- **2000:** The first-ever national symposium on victim services in juvenile corrections is co-sponsored by the National Center for Victims of Crime and California Youth Authority, with support from OVC.

A number of factors have affected the significant increase in juvenile corrections-based victim services, including but not limited to the following:

- Collaboration among national criminal and juvenile justice associations, victim service providers, and the U.S. Department of Justice has focused attention on developing innovative approaches to involving victims in the juvenile justice system. Most notable has been OVC's decade-long support for initiatives that enhance juvenile justice-based victim services.
- More juvenile justice agencies today perceive victims as "clients" of their agencies who deserve rights and services.
- Federal and state laws increasingly expand the scope of rights for victims of juvenile offenders.
- As of July 2002, 32 states have adopted constitutional amendments that, in many jurisdictions, mandate victim notification, impact statements, protection and restitution for victims of juvenile offenders.
- More correctional agencies are incorporating the principles of restorative justice into their missions, policies and programs -- values that include crime victims, offenders, and the community.

### ***ACA Report and Recommendations on Victims of Juvenile Offenders***

The American Correctional Association's Victims Committee sought, in 1994, to develop recommendations that could enhance the response of juvenile corrections to victims of juvenile offenders. Once its authors began to examine the key issues, it became clear that victims' rights and concerns in juvenile corrections could not be isolated from the rest of the juvenile justice system. Rather, an emphasis on *systemwide* services for victims that involved *collaboration* among the key juvenile justice agencies was needed.

The ACA's *Report and Recommendations on Victims of Juvenile Offenders*<sup>1</sup> was published in 1995, and provided the foundation for the development of many juvenile justice-based policies, programs and protocols for victims of juvenile offenders. The *Report* included the following 14 key recommendations:

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<sup>1</sup>Seymour, A. and English, S. (1995). "ACA Report and Recommendations on Victims of Juvenile Offenders." Laurel, MD: American Correctional Association

- The rights of victims of juvenile offenders should mirror the rights of victims of adult offenders in the United States. Crime victims should *not* be discriminated against based upon the age of their offenders.
- Crime data and statistics must be better categorized and analyzed according to the age of the offender, the classification of crime, and the type of victim.
- Victims must have access to information about their offenders' status. Therefore, restrictions on confidential information relevant to the victim must be removed from juvenile offenders and the agencies that serve them.
- Any treatment and/or education programs for juvenile offenders must include a victim awareness component.
- Juvenile justice, victim service and allied professionals should collaborate on efforts to adopt and implement the balanced approach of restorative justice as a guide to agency and system policies, programs and services.
- Victim/witness and victim assistance programs must be expanded to serve victims of juvenile offenders, and be housed in juvenile courts, probation and corrections departments for easy access by victims and witnesses.
- Juvenile justice personnel -- including administrators, managers and line staff -- need victim sensitivity and awareness training included as part of their basic and continuing education. In addition, victim assistance personnel need training on juvenile justice policies, procedures and programs.
- Juvenile corrections agencies must adopt protocol, programs, policies and training for field, custody and support staff on how to respond to staff victimization and critical incidents.
- There must be updated comprehensive literature reviews and research into existing statutory and constitutional protections affecting victims of juvenile crime, along with existing programs and policies that pertain to victims of juvenile crime.
- Existing victim service and victim awareness programs within the juvenile justice and juvenile corrections systems must be evaluated, with the data utilized to enhance, expand and replicate effective programs nationwide.
- Juvenile offender management and tracking systems should incorporate databases that include information about crime victims and rights relevant to the

juvenile offenders' cases.

- There must be improved efforts to network and provide comprehensive cross-training among local, state and national juvenile justice officials, juvenile corrections professionals and associations, and local, state and national victim service professionals and associations.
- All programs and services designed to assist victims of juvenile offenders must understand and respect diversity of juvenile offenders and their victims – by culture, gender, geography, race and religion – in order to be truly effective.
- All U.S. Department of Justice agencies that provide research, evaluation, training and technical assistance relevant to juvenile justice and/or crime victims should designate a staff position specific to victims of juvenile offenders.

### **Unique Characteristics of Victims of Juvenile Offenders**

- The shock, vulnerability and trauma victims endure may be enhanced due to the age of the child offender.

Most people *still* want to believe that children are not capable of committing criminal acts, especially those involving violence. Furthermore, adults are supposed to have control over their younger counterparts – “control” that disappears when they are victimized by youthful offenders.

In the 1998 BARJ focus group research project, many victims of juvenile offenders were surprised by the range of emotional responses the offense had upon them. One victim confessed: “It hit me that I didn’t want to face the fact that I was weak, and I let this bother me so much. I never thought of myself as a victim. I thought I can’t live like this....running away from anything that might occur.”

Another victim disclosed that “I didn’t realize I was a victim for months. The feelings I thought were just fear made me think that I was a weak person. So I couldn’t even deal with the feelings or a victim, and try to make sense of it.”

- The victim’s vulnerability may be increased *when the victim knows the juvenile offender*.

Relationships that have relied on mutual friendship and respect are often severed. If the youthful offender is a “friend of the family,” the victim may begin to second-guess his or her judgement in the character of people with whom s/he associates. Bonds of trust are easily shattered by juvenile victimization.

- Victims of juvenile offenders may “generalize” about people who remind them of the perpetrator.

This can affect their lack of trust in, and tendency to avoid situations involving, other children. One middle school teacher who was assaulted by a youth expressed difficulty in getting up in front of a class full of children who are the same age as her assailant.



- Victims sometimes report feeling “embarrassed” that they were hurt by a child.

Since adults are expected to have a semblance of “control” over children, their victimization can prove to be a source of shame because the scales of authority and control have been tipped in the opposite direction.

- Many victims report enhanced fear following victimization by a youthful offender.

They are not always likely to tell helping professionals that they are afraid, or would like protective measures, for fear of being perceived as “weak” or “irrational.” Some victims report fear due to their perceptions of the “impulsive nature of youth.” Others are concerned that the juvenile offender will continue to hurt others. This fear of recidivism is supported by data from the 1997 National Longitudinal Study of Youth that found that one-fifth (21 percent) of 16-year-olds who had been arrested were first arrested by the age of 12.<sup>2</sup>

- When children victimize other children, it often has detrimental effects on parties who know both the victim and offender, i.e. their families, neighbors, school staff and class mates, etc.

The highly personal nature of youth-on-youth victimization creates threatening dynamics in what were once healthy relationships. Friends, families and neighborhoods often feel compelled to “take sides,” creating fissures in relationships that are closely bound by long-term friendships or geography.

- Historically, victims of juvenile offenders have had limited participatory rights in the juvenile justice process.

The lack of information about the case, combined with their inability to participate in hearings and activities related to the outcome of the case, can compound victim trauma. While the 1990s witnessed tremendous progress in rights and services for victims of juvenile offenders nationwide, there are still many jurisdictions in which victim participation throughout the juvenile justice process is limited.

- Confidentiality protections for juvenile offenders also contribute to victims’ frustration about getting information relevant to their cases.

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<sup>2</sup>Snyder, H. and Sickmund, M. (1998) “Juvenile Offenders and Victims: 1999 National Report.” Washington, D.C.: Office of Juvenile Justice Delinquency and Prevention

For many victims, the concept of “protecting the youthful offender” by maintaining confidentiality about his/her status and location makes no sense. The focus group research published in 1998 by the Balanced and Restorative Justice Project of Florida Atlanta University found that many victims have a strong interest in knowing about what happens to the youthful offender, based upon their interest in the child getting help, and not reoffending against new victims.

- Many victims of juvenile crime – particularly in offenses where the perpetrator is known to the victim – would like the opportunity to meet with the youthful offender, which is not available universally in jurisdictions across the United States.

Victims often have questions about the circumstances of the juvenile offense, and some want an active role in determining measures to hold the youth accountable. While opportunities for victim/offender dialogue and family or community conferencing are increasing, they are still not offered to all victims who request them.

- Many victims felt that the juvenile justice system has lower standards of offender accountability than the criminal justice system.

In the BARJ focus group research project in 1998, victims of juvenile offenders expressed feelings of helplessness in believing that little would be done to make their offenders comply with the terms of their adjudication, i.e. pay restitution, attend treatment programs, etc.

- The likelihood of receiving full restitution is believed to decrease with the age of the offender.

Few children have financial resources to fulfill their restitution obligations and, with limited work opportunities for juvenile offenders, victims are often left with significant financial losses as a result of delinquent acts committed against them. There is often little or no recourse for victims who do not receive restitution and, at the same time, limited sanctions for youth who do not fulfill their financial and legal obligations.

- While victim services in the juvenile justice system are increasing, they are still much more limited than those available in the criminal justice system.

As the *ACA Report and Recommendations on Victims of Juvenile Offenders* stated in 1994, “Victims of crime should not be discriminated against solely to the age of their offender.” Yet such “discrimination” is evidenced by a lack of resources and personnel to provide comprehensive, quality victim services throughout the juvenile justice system.

- Most trauma response protocols have been developed based upon research of victims of adult, criminal offenders.

While most of these responses are appropriate for victims of juvenile offenders, more research is needed *to develop responses that are specific to the unique needs and circumstances of victims of juvenile offenders.*

- Training and cross-training opportunities among system- and community-based victim advocates, juvenile justice and criminal justice professionals have been somewhat limited.

While such forums are increasing, there is still a need for consistent and comprehensive training and networking among these key stakeholders in providing services to victims of juvenile offenders.